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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/767,113

01/28/2004

Kazuya Inagaki

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01/13/2005

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EXAMINER

GRIER, LAURA A

ART UNIT

PAPER NUMBER

2644

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/767,113

Applicant(s)

INAGAKI, KAZUYA

Examiner

Laura A Grier

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,7,8,10 and 11 is/are rejected.
- 7) ☒ Claim(s) 5,6 and 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/28/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Claim Objections*

3. Claim 11 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The claimed limitations of claim 11 are the same as the limitations of claim 3, and thus, interpreted as so.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 7 and 10** are rejected under 35 U.S.C. 102(e) as being anticipated by Zuquert et al., U. S. Patent 6466832.

Regarding **claim 7**, Zuquert et al. (herein, Zuquert) discloses a high quality wireless audio speakers. Zuquert's disclosure comprises a transmitter (22) including an antenna (34) for transmitting signals to audio sources (tape recorder, stereo system, CD player, a DVD player, a computer or a video system) for wireless transmission to receivers (24/26), which includes speakers (44); a multiplexer coupled to a processor, wherein the multiplexer selects or identifies and switches the audio source to be transmitted – (col. 9, lines 10-18, and lines 65-67 and col. 10, lines 12 and figures 1 and 2), further the processor includes memory for storing data/parameters to control the audio signals – col. 10, lines 27- 51, which indicates a sound control device, therein as claimed.

Regarding **claim 10**, Zuquert discloses a high quality wireless audio speakers. Zuquert's disclosure comprises a transmitter (22) including an antenna (34) for transmitting signals to audio sources (tape recorder, stereo system, CD player, a DVD player, a computer or a video system) for wireless transmission to receivers (24/26), which includes speakers (44); a multiplexer coupled to a processor, wherein the multiplexer selects and switches the audio source to be transmitted – (col. 9, lines 10-18, and lines 65-67 and col. 10, lines 12 and figures 1 and 2), further the processor includes memory for storing data/parameters to control the audio signals – col. 10, lines 27- 51, which reads receiving means and selecting means, therein.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1-2, and 4** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakatsugawa, U. S. Patent 6741708.

Regarding claim 1, Nakatsugawa discloses an acoustic system comprised of components connected by wireless. Nakatsugawa's disclosure comprises a sound input unit (21) comprising a group of sound generators, a CD unit, MD unit, TV unit, a radio unit, etc. coupled to output units (speakers) - (col. 5, lines 65-67 and col. 6, lines 1-37), which reads on a plurality of electronic devices; a sound control device is inherently disclosed as evident by the input/output used being able to transmit destination information to each particular address of the units, and send volume control information the units as well (col. 6, lines 43-67 and col. 7, lines 1-15); the sound generators of the sound input unit are coupled with to antenna which enables transmission and reception of audio and audio control signals to and from the output units (figure 1).

However, Nakatsugawa fails to disclose a switching means among the electronic devices to select an external source. The examiner takes official notice a switch means among a plurality of electronic devices was well known in the art. Thus, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Nakatsugawa by implementing a switching means with the sound input unit for the purpose of enable selective switching a particular electronic device (sound source) from the plurality of sound source as desired, which switch between a plurality of audio devices for audio reproduction is a common used technique in the art.

Regarding claim 2, Nakatsugawa discloses everything claimed as applied above (see claim 1). Nakatsugawa further discloses surround sound signals via the varied output units (figure 1 and col. 5, lines 67-col. 6, lines 1-9).

Regarding claim 4, Nakatsugawa discloses everything claimed as applied above (see claim 1). Nakatsugawa further discloses wireless transmission (figure 1, and col. 5, lines 55-64), which reads on a wireless communication network.

**8. Claim 3 and 11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakatsugawa in view of Ohta, U. S. Patent No. 20010016046.

Regarding claims 3 and 11, Nakatsugawa discloses everything claimed as applied above (see claim 1). However, Nakatsugawa fails to disclose a sound collector, a test signal transmitting means and correction means (herein, acoustic correction means).

Regarding the acoustic correction means, in a similar field of endeavor, Ohta discloses an automatic sound field correcting system and sound field correcting method. Ohta's disclosure comprises an microphone (8), which reads on sound collecting means, a noise generator (3), which reads on a test signal transmitting means, and an amplifier coupled the output of the microphone and a signal processing circuit (correction means) – (figure 1-2 and paragraph 0039, and 0043-0044), which reads on acoustic correction means.

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Nakatsugawa by implementing acoustic correction means for the purpose of correcting the acoustic of the loudspeakers' output in

relation to the listening environment in which the loudspeakers are located to provide enhanced sound quality as taught by Ohta.

9. **Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over Zuquert in view of Ohta.

Regarding claim 8, Zuquert discloses everything claimed as applied above (see claim 1). However, Zuquert fails to disclose a sound collector, a test signal transmitting means and correction means (herein, acoustic correction means).

Regarding the acoustic correction means, in a similar field of endeavor, Ohta discloses an automatic sound field correcting system and sound field correcting method. Ohta's disclosure comprises an microphone (8), which reads on sound collecting means, a noise generator (3), which reads on a test signal transmitting means, and an amplifier coupled the output of the microphone and a signal processing circuit (correction means) – (figure 1-2 and paragraph 0039, and 0043-0044), which reads on acoustic correction means.

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Zuquert by implementing acoustic correction means for the purpose of correcting the acoustic of the loudspeakers' output in relation to the listening environment in which the loudspeakers are located to provide enhanced sound quality as taught by Ohta.

***Allowable Subject Matter***

Art Unit: 2644

10. Claims 5-6 and 9 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A Grier whose telephone number is (703) 306-4819. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Laura A. Grier  
January 10, 2005